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**PATENT, TRADEMARK, COPYRIGHT  
 AND UNFAIR COMPETITION LAW  
 AND RELATED LITIGATION**

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**TO: The Honorable Commissioner  
 Attention: George R. Koch  
 Art Unit 1734**

**FROM: David H. Brinkman**

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**Date: November 6, 2003**

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**Pages (including cover page): 5**

**Re: U.S. Serial No. 09/821,618 FLOATING HEAD LIQUID DISPENSER WITH  
 DISPENSING HEAD SENSOR  
 Attorney Docket No. NOR-979**

**ATTACHMENTS/COMMENTS: OFFICIAL**

**Please deliver to George R. Koch  
 Response (4 pages)**

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David H. Berkman, Reg. No. 40,53211/6/03  
Date**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Michael J. Romine  
Serial No.: 09/821,618  
Filed: March 29, 2001  
Confirmation No.: 4107  
Group Art Unit: 1734  
Examiner: Koch, George R.  
Title: **FLOATING HEAD LIQUID DISPENSER WITH DISPENSING HEAD  
SENSOR**  
Atty Docket: NOR-979

Cincinnati, Ohio 45202

November 6, 2003

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE**

Sir:

This Response is submitted in reply to the Office Action mailed on August 13, 2003. Claims 1-10 are pending in the present application as claims 11-19 have been withdrawn in response to the Restriction Requirement raised by Examiner. Applicant respectfully traverses the Examiner's rejections of claims 1-10 for the reasons set forth below.

Examiner will note that each of independent claims 1 and 7 recites a support member mounted for linear movement toward and away from the substrate, and a liquid dispensing head operatively connected to the support member and capable of linear movement relative to the support member upon contact with the substrate.

Examiner takes the position that in Fig. 19 of Rutledge et al., the "support member" moves linearly (axis as shown by arrow 632 and 634), and concedes that the dispenser does not move linearly, but rather moves pivotally (arrow 614) around a cradle located at the G-G axis.

While Rutledge et al. does disclose that the dispensing head can be moved in another manner, such as "through the use of a linear actuator," the Examiner's attention is drawn to Figs. 15 and 16 and Column 13, lines 10-26 which describe this alternative embodiment of the Rutledge et al. liquid dispenser. Examiner will note that in this embodiment, the "support member" which supports the pair of guide rails (324, 326) is fixed and clearly does not move linearly toward and away from the substrate as claimed by Applicant. In this alternative embodiment of Rutledge et al., the carriage (322) and attached dispensing gun (321) move in the linear directions indicated by arrow (328) but the support structure is otherwise fixed and does not move linearly as claimed by Applicant. The carriage (322) of Rutledge et al. cannot be considered to be a "support member" since it is attached to the dispensing gun and moves linearly therewith,

and therefore the dispensing gun does not move linearly relative to the carriage (i.e., "support member") as claimed by Applicant. Moreover, as shown in Fig. 4 of Rutledge et al., the dispensing gun does not contact the closure member (100) as evidenced by the small gap between the tip of the dispensing gun (122) and the closure member (100) at the flange portion (102). Indeed, the dispensing tip of Rutledge et al. cannot contact the closure member since the closure member is rotated relative to the dispensing gun during the dispensing process (see Column 13, lines 31-33).

Examiner will appreciate that in the embodiment of Figure 19 of Rutledge et al., the "support member" moves linearly to cause the dispensing gun to pivot about the axis G-G. However, in the alternative embodiment of the dispensing gun of Rutledge et al., wherein the dispensing gun moves linearly as shown and described in connection with Figs. 15 and 16, the "support member" is fixed since its linear movement is not required to move the dispensing gun in the linear directions (arrow 328).

Accordingly, Applicant respectfully submits that Rutledge et al. taken alone, or in combination with the other prior art of record, fails to teach or suggest the combination of elements recited in each of independent claims 1 and 7 and claims depending therefrom. In particular, Rutledge et al. taken alone, or in combination with the other prior art of record, fails to teach or suggest a support member mounted for linear movement toward and away from the substrate and a

dispensing gun capable of linear movement relative to the support member upon contact with the substrate as recited in each of independent claims 1 and 7 and the rejections should be withdrawn.

Moreover, as claims 2-6 and 8-10 depend from allowable independent claims 1 and 7, respectively, and further as each of these claims recites a combination of elements not taught or suggested by the prior art of record, Applicant submits that these claims are allowable as well.

If there is any issue that remains which may be resolved by telephone conference, the Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

Applicant does not believe that this response requires that any fees be submitted, however, if any fees are deemed necessary, these may be charged to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.



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